

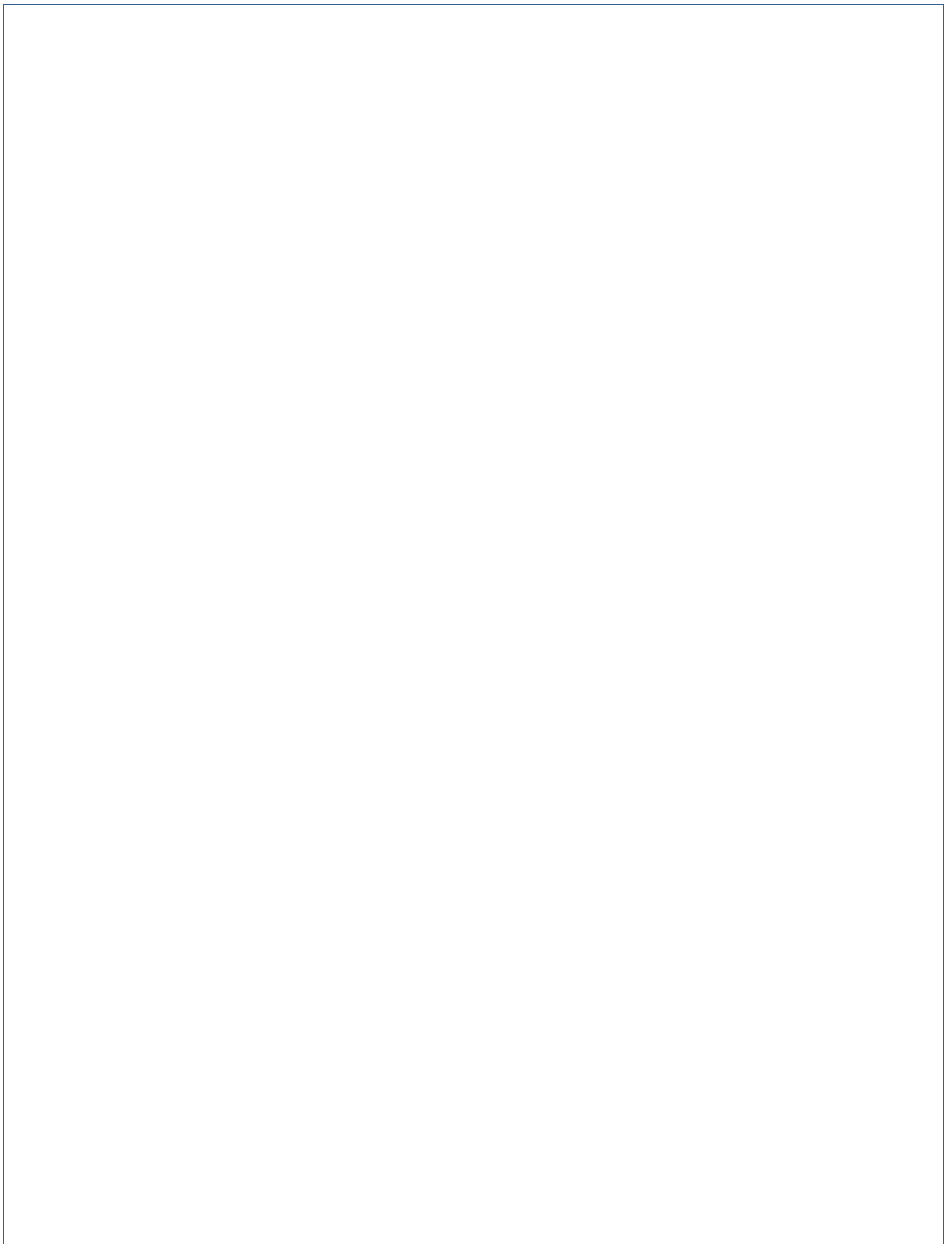
IT'S YOUR BUILDING DEPARTMENT!

Important Information for Elected Officials and Executive Managers of Local Government

*An educational publication from the
California Building Standards Commission*

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PREFACE

This booklet was developed and is distributed by the California Building Standards Commission with the purpose of assisting elected officials and executive managers of city and county governments to understand the responsibilities of their building department that are established in state law. In the discussions to follow we will identify many mandates of state laws regarding the responsibilities of the local building department, required personnel training and certifications, usage of building permit revenues, introduction of the California Building Standards Code (California Code of Regulations, Title 24) with statewide application, and more.

The information in this booklet should help to better prepare and manage your building department for the purpose of assuring healthy, safe, sustainable, and accessible buildings and grounds in your community. Most all information herein applies to both general law and charter cities.

The Building Standards Commission's website makes available other information and training materials for use by local government. Find the following at our website <http://www.bsc.ca.gov/>.

- Guide to Title 24
- Guide to the CALGreen Code
- Frequently Asked Questions
- Glossary of Terms
- Required Filings of Local Ordinances regarding buildings
- Required Filings of Fees collected by local building departments
- Accessing State Laws Online
- Accessing State Regulations Online
- Accessing State Legislation Online

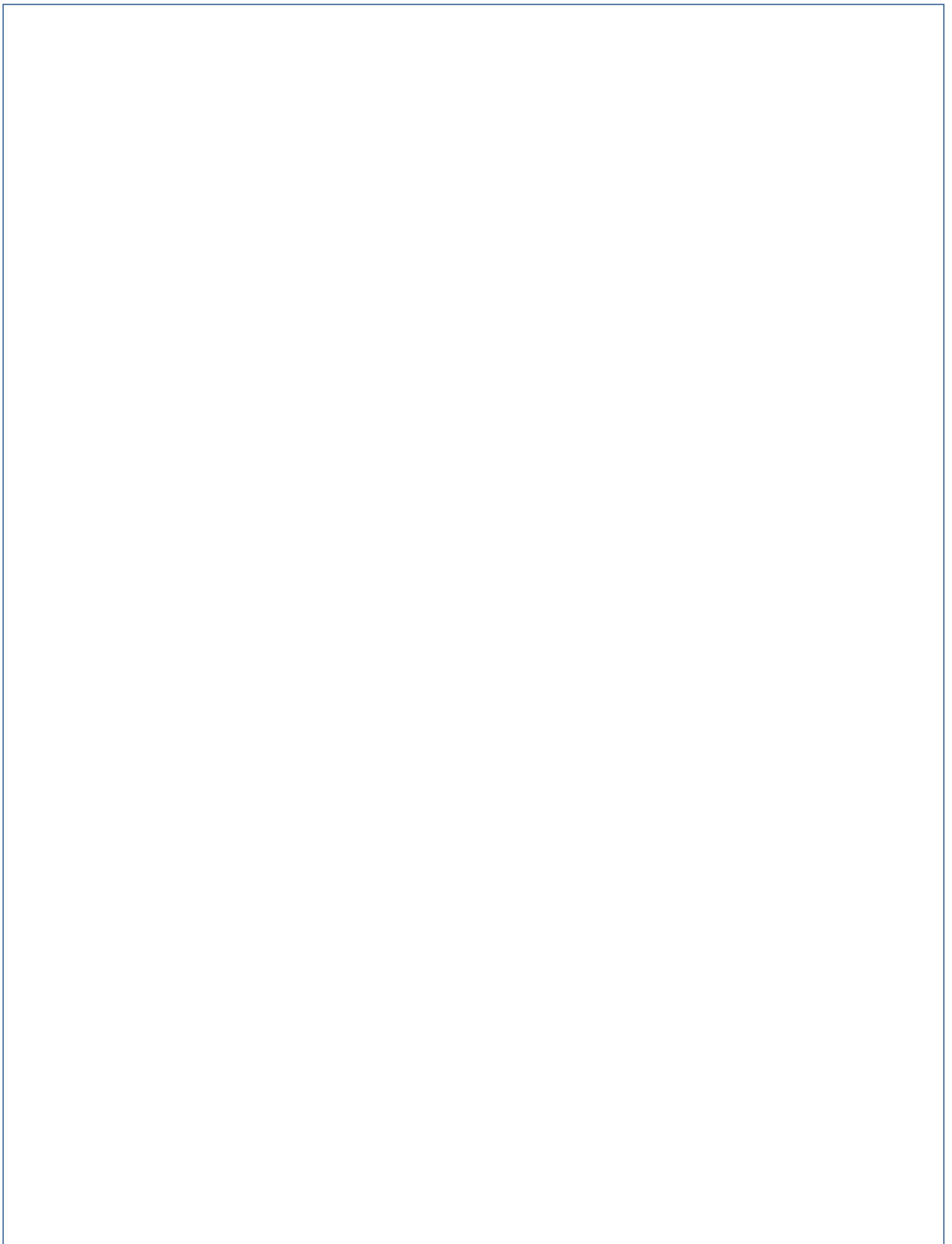


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CHAPTER 1: WHY A BUILDING DEPARTMENT IS NECESSARY

The simple answer is that state law requires every city, county, or city and county, to enforce state law mandating specific requirements for buildings, and to enforce the California Building Standards Code in Title 24, California Code of Regulations. The traditional means for local government to carry out this enforcement mandate is to have a building department. There are several other mandates of state law that will be discussed in this booklet. Notwithstanding the requirements of state law, your community will want safe, accessible, efficient and sustainable buildings within its community.

The California legislative process has resulted in state laws with the intent of ensuring that new and existing buildings provide cost efficient operation, safeguard the environment, and provide safe, healthy, and accessible environments for human occupancy and habitation. There are laws regarding historical buildings requiring present day safety and accessibility, while preserving the historical significance. There are laws addressing the thousands of unreinforced masonry buildings that were constructed at a time when resistance to seismic motion was not a major consideration. Cities and counties within the coastal regions of California are required by state law to identify all potentially hazardous buildings and to establish a program for the mitigation those buildings identified as potentially hazardous.

Over the past several decades, a number of changes have occurred that present challenges for designers and owners of buildings, and a local building department. For one, the Americans with Disabilities Act of 1990 (ADA), a federal law, is now over 21 years of age. While the ADA and its implementing federal standards apply to new construction, the standards also apply to preexisting buildings when repaired, altered or added to. There are thousands of retail, office and assembly buildings that were constructed prior to the passage of the ADA. California has enacted laws and building standards for accessibility in new and existing buildings that are intended to be equal to or more restrictive than the federal ADA and ADA Standards. Your building department personnel must be trained and ready to work with designers and

property owners wishing to renovate or change the use of a preexisting building and incorporate accessibility improvements as provided in the ADA and California law, and the building standards in Title 24. These accessibility laws and codes provide specific requirements and exceptions for preexisting buildings and historical buildings. When the standards are applied incorrectly, enormous unnecessary costs may result, or the opposite, accessibility may not be provided where it should be.

There are separate federal and California laws and building standards that apply to multifamily dwellings and publicly funded housing. These accessibility requirements apply to new construction, and to some projects at existing multifamily dwellings constructed after March 13, 1991. Multifamily dwellings constructed after that date may be subject to current accessibility standards when new common areas or additions are made. Only personnel trained and certified in the accessibility laws and building standards will be able to apply the standards correctly.

The laws establishing accessibility requirements in public buildings and multifamily dwellings are structured to provide that accessibility is a civil right, and the failure to provide accessibility is an act of discrimination that will likely result in costly litigation.

Energy efficiency standards (Part 6, Title 24, California Code of Regulations) did not exist for thousands of buildings built in the 1970s and before. The need for energy conservation has increased such that the energy standards have become more and more restrictive with each edition of the code every three years. Mandatory green building standards (Part 11 of Title 24, California Code of Regulations) became effective on January 1, 2011, imposing new requirements on construction sites, material selection, water conservation, and more, necessitating training in a whole new code and way of thinking for the design professions, builders, and your building department personnel responsible for enforcement.

We have mentioned only a few of the important laws and building standards to be enforced by your building department. Only a properly staffed and trained building department is able to effectively carry out activities to accomplish the intent of

federal and state law, and the building standards adopted to implement requirements of law. In the next chapter of this booklet we will introduce the various state laws that relate to the operation of a building department and the design, construction and use of buildings. We will also introduce some important state regulations required to be enforced by local government. In Chapter 3 of this booklet we will introduce several important mandates of state law that are to be enforced by local government.

CHAPTER 2: THE STATE LAWS AND REGULATIONS

In this chapter we will first introduce state laws and state regulations in general and how to access them using the state's websites. Thereafter we will provide the identification of the various state laws and regulations relating to the operation of a local building department along with an abbreviated description. The referenced state laws are available at the state website <http://www.leginfo.ca.gov>. Referenced state regulations are available at the Office of Administrative Law website <http://www.oal.ca.gov>. See the Note on the following page for an exception regarding the availability of Title 24.

Introduction of State Laws:



California state laws are enacted through California's legislative process involving the State Senate and Assembly of the legislative branch of state government, and the Governor and Secretary of State in the executive branch of state government. The laws are divided into 29 separate codes, each with an identifying name. A listing of the 29 codes of state law is available at the state website <http://www.leginfo.ca.gov>. The Health and Safety Code, Government Code, Penal Code, Civil Code and Public Resources Code are just five examples of the names used to identify the codes among the 29 codes of state laws.

Introduction of State Regulations:

State regulations are promulgated by agencies of the Executive Branch of state government for the purpose of interpreting, implementing, clarifying and carrying out the intent of state law. The regulations are contained in the **California Code of Regulations** available at the Office of Administrative Law website

<http://www.oal.ca.gov/> (see the Note on the following page for an exception regarding Title 24). The California Code of Regulations is subdivided into 28



separate title numbers, i.e. Title 1, 2, 3 etc. Each title number is also given a name. For example, Title 13 is titled Motor Vehicles and Title 19 is titled Public Safety. Most titles reveal the general subject of the regulations. Some titles are reserved for the regulations of just one state agency, like Title 24 for the California Building Standards Commission and Title 25 for the Department of Housing and Community Development.

Note: Title 24 is not available at the website of the Office of Administrative Law. To access Title 24 online, go to the California Building Standards Commission website <http://www.bsc.ca.gov/>.

Now let's talk about some specific California laws regarding a building department.

Health and Safety Code: The Health and Safety Code is one of the 29 codes that make up California state law enacted through California's legislative process. The Health and Safety Code contains in excess of 130,000 sections organized into divisions. Divisions 12 and 13 include provisions regarding the design, construction, use and maintenance of buildings. The discussions throughout this booklet often times include references to various provisions of the Health and Safety Code. It may have the most requirements relating to buildings than all the other 28 codes of state law. The mandate for several state agencies to develop building standards and for local government to enforce building standards is found in the Health and Safety Code.

California Building Standards Law: This name refers to the body of state law within Health and Safety Code, Division 13, Part 2.5, commencing with Section

18901. The provisions of Part 2.5 govern the work of the California Building Standards Commission and how the adopted and published building standards apply. It also mandates enforcement by local government.

State Housing Law: This name refers to the portion of the Health and Safety Code in Division 13, Part 1.5, commencing with Section 17910. It establishes responsibilities for the Department of Housing and Community Development and the Office of the State Fire Marshal to develop building standards for housing structures, including hotels, motels, lodginghouses, apartments, condominiums and dwellings. It also mandates enforcement of the State Housing Law provisions and the building standards adopted pursuant to the State Housing Law, by every city, county, or city and county within this state.

Note: Building standards are state regulations located in Title 24, California Code of Regulations, known as the California Building Standards Code. This is discussed in more detail later.

Government Code: The Government Code is another of the 29 codes of California state laws. Sections 4450 through 4460 in a portion of the Government Code titled Access to Public Buildings by Physically Handicapped Persons, establishes requirements for building accessibility. The provisions establish the authority for the California Division of the State Architect (DSA) to develop building standards and regulations for publicly funded buildings, publicly funded sidewalks and curbs, public accommodations, and commercial facilities. The building standards for accessibility developed by DSA are located in Title 24 of the California Code of Regulations, known as the California Building Standards Code, to be discussed later.

Note: Health and Safety Code, Sections 19952 through 19959, establishes the requirement for accessibility in privately owned buildings open to the public, and for DSA to develop the building standards for accessibility in such buildings.

Earthquake Protection Law:



There are two state laws to be aware of that address buildings and their resistance to earthquakes. The first is known as the Earthquake Protection Law, the portion of the Health and Safety Code in Division 13, Part 3, commencing with Section 19100. The law establishes the requirement that all buildings be designed to resist lateral forces from seismic motion, and allows local government to enact local requirements to mitigate the risk from existing buildings, such as unreinforced masonry buildings and others not designed in consideration of seismic motion.

The other state law regarding earthquake safety is in Government Code, Title 2, Chapter 12.2, commencing with Section 8875. This law requires cities and counties to identify potentially hazardous buildings, as defined, and establish a local mitigation program. Further, the owner of a building identified as a potentially hazardous building must post a written notice in a conspicuous location to warn the public as to the potential hazard during an earthquake.

*Now let's identify some
regulations that implement
state laws regarding buildings
and building departments.*

California Building Standards Code: This name refers to the building standards located in the 12 Parts of Title 24 of the California Code of Regulations as published by the California Building Standards Commission. The building standards in the California Building Standards Code are state regulations developed by various state agencies in the Executive Branch of state government. The building standards govern the design and construction of buildings, building equipment and accessories. Some of the state agencies that develop the building standards for Title 24 that apply to buildings subject to local government enforcement include the Division of the State Architect, Office of the State Fire Marshal, Department of Housing and Community Development, and Building Standards Commission.



Note: The Building Standards Commission provides a [Guide to Title 24](http://www.bsc.ca.gov/). Find it at the Commission's website <http://www.bsc.ca.gov/>. It may be read online, or printed, at no cost. Building department personnel should have the Guide to Title 24 for study and reference.

State Housing Law Regulations: This is the name given to Chapter 1, Title 25 of the California Code of Regulations. The provisions are adopted by the California Department of Housing and Community Development in order to implement,



interpret, clarify, and carry out the provisions of the State Housing Law in Health and Safety Code, Division 13, Part 1.5. The provisions relate to the construction, use, maintenance, and change of occupancy of all hotels, motels, lodginghouses, condominiums, apartment houses and dwellings.

State Historical Building Code. This is the name given the state law in Health and Safety Code, Division 13, Part 3, commencing with Section 18950. The intent of this law is to provide means for the preservation of historical buildings while providing reasonable safety from fire, seismic forces and availability and usability by persons with disabilities. This law establishes the State Historical Building Safety Board that develops the building standards for historical buildings. The standards are found in Part 8 of Title 24, California Code of Regulations, and are named the California Historical Building Code.



This chapter has provided only a brief introduction to state laws and regulations relating to buildings. In Chapter 3 to follow we will provide several specific mandates in state law applying to local government.

CHAPTER 3: MANDATES FOR LOCAL GOVERNMENT

The following are some of the most important mandates of state laws regarding the operation and responsibilities of a local building department. Our descriptions are abridged so we ask that you refer to the referenced law or regulation for the complete language.

1. Must enforce state laws and Title 24 building standards.

a. The Building Department of every city, county or city and county shall enforce the following:

- Specified provisions of the California Building Standards Law in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901, and the implementing building standards in Title 24, California Code of Regulations, known as the California Building Standard Code.

Reference: Health and Safety Code Sections 17960 and 17961.

- State Housing Law (Health and Safety Code, Division 13, Part 1.5), and implementing regulations of Title 25, Chapter 1, pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of hotels, motels, lodginghouses, condominiums, apartment houses and dwellings.

Reference: Health and Safety Code Section 17960.

- The earthquake protection laws applicable to hazardous buildings, seismic retrofitting, seismic gas shutoff devices, water heater bracing , posting of buildings that are potentially dangerous during seismic motion, and more.

Reference: Health and Safety Code in Division 13, Part 3, commencing with Section 19100, and Government Code, Title 2, Chapter 12.2, commencing with Section 8875.



The standard means of carrying out enforcement of building standards is to perform plan review and inspections. Plan review, or plan examination, is a process of reading the plans prior to permit issuance to observe that the plans will result in a building complying with requirements

applying to structural safety, energy conservation, green technology, accessibility, and with complying plumbing, electrical and mechanical systems and equipment. The plan submitter, often a design professional, is provided a written report of the compliance issues and required corrections to the plans and specifications. The plan reviews must be performed by personnel trained and certified or licensed for the work. Registered structural engineers, civil engineers, and architects that have been trained in the building code should perform the review of the structural plans and supporting calculations. The other subjects may be reviewed by Certified Plan Examiners, or registered structural engineers, civil engineers, and architects.

Inspections during the various construction phases are to be performed by personnel holding a building inspection certification issued by the International Code Council, or similar organization. Personnel qualifications are discussed in more detail in Chapter 6, Suggested Personnel Qualifications.



2. Must file local code requirements with the state.

While state law requires local government to enforce Title 24, California Code of Regulations, the law allows local government to enact local requirements, often called local amendments, that are more restrictive than Title 24. These local amendments must be based on local climatic, geological or topographical conditions. When a city, county, or city and county enacts more restrictive local amendments, a copy of the local amendment along with an express finding that such amendment(s) is reasonably necessary because of local climatic, geological or topographical conditions, must be filed with the California Building Standards Commission. No local amendment is enforceable unless filed with the California Building Standards Commission.

Reference: Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5

Note: Assistance with filing of local amendments is available at the Commission's website. Our website also has all local amendments filed with the Commission.

3. Permit fees are for code enforcement and designated purposes.

a. Every city, county or city and county may establish fees to offset the cost of enforcement of the building codes. Such fees for permits and enforcement activities shall not be levied for general revenues.

Reference: Health and Safety Code Sections 17951 and 19132.3.

b. Every city, county or city and county shall return fees paid for inspection if the inspection is not performed within 60 days of the request for inspection.

Reference: Health and Safety Code Section 17951 (d)

c. Each city, county and city and county shall collect a fee from the applicant for a building permit to be remitted to the California Building Standards

Commission. The fee shall be at the rate of \$4 per one hundred thousand dollars of building valuation, but not less than \$1.

Reference: Health and Safety Code Section 18931.6.

4. Must employ certified personnel.

State law requires the personnel of a local building department to be certified for the code enforcement work to be performed. This matter is also discussed in Chapter 4 herein.

Reference: Health and Safety Code Sections 18949.25 through 18949.31

5. Personnel must have continuing education.

State law requires each building official, plan examiner, and building inspector to obtain 45 hours of qualified continuing education in each three year period with at least 8 hours regarding disabled access requirements. This matter is also discussed in Chapter 4 herein.

Reference: Health and Safety Code Sections 18949.25 through 18949.31.

6. Must not have excessive plan review backlogs.

When plan checking of residential plans requires more than 30 days, or 50-days for all other buildings, the building department shall make available plan checking by private plan checking entities.

Reference: Health and Safety Code Sections 17960.1 and 19837.

7. Must have appeals board.

a. Every city, county or city and county shall have a **local appeals board** to hear appeals regarding the building requirements.

Reference: Health and Safety Code Section 17920.5. Alternatives are provided.

b. Every city, county or city and county shall have a **housing appeals board** to hear matters relating to the use, maintenance, and change of occupancy of hotels, motels, lodginghouses, apartment houses, condominiums and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, and demolition.

Reference: Health and Safety Code Section 17920.6. Alternatives are provided.

8. Must have local soil report ordinance.

Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report by a registered civil engineer of every subdivision, where a tentative and final map is required pursuant to Section 66426 of the Government Code.

Reference: Health and Safety Code Section 17953 through 17957.
Exceptions are provided.

9. Must have codes on hand.

Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations.

Reference: Health and Safety Code Section 18942(e).

10. Must maintain building plans.

The building department of every city, county, or city and county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the building department issued a building permit.

Reference: Health and Safety Code Section 19850 and 19851. Exceptions are provided.

In this chapter we have listed just 10 examples of mandates in state law applying to the operation of a local building department. There are many other requirements in law specific to buildings that must also be enforced by the local building department. There are requirements regarding use of materials, Carbon Monoxide devices, water saving toilets and urinals, methods of construction, relocated buildings and more. Many requirements have been incorporated into the building standards of Title 24, California Code of Regulations.

Building departments must be aware of the requirements of state law relating to the design, construction, use and maintenance of buildings and accessories to buildings. Generally, reference Health and Safety Code, Division 13, Parts 1.5, 2, 2.1, 2.3, 3, which are all available at the state website <http://www.leginfo.ca.gov/>.

CHAPTER 4: REQUIRED PERSONNEL CERTIFICATION AND TRAINING

Certification: Health and Safety Code Section 18949.28 reads in part, "*All construction inspectors, plans examiners and building officials who are not exempt from the requirements of this chapter pursuant to subdivision (b), or previously certified, shall complete one year of verifiable experience in the appropriate field, and shall, within one year thereafter, obtain certification from a recognized state, national, or international association, as determined by the local agency.*" Subdivision (b) exempts employees who were employed two years before the enactment of Section 18949.28 (added by Chapter 623 of the 1995 Statutes, effective January 1, 1996).



The subject of the certification(s) shall be closely related to the primary job function, as determined by the employing local agency. There are numerous certifications available that relate to the skills and subject of building plan examinations, and building inspection. In the discussion to follow about training, is a listing of some entities offering certification by examination.

California licensed architects and engineers performing plan examination, construction inspections, or building official duties are exempted from the Certification requirements of Health and Safety Code Section 18949.28. However, it is a good practice to require engineers and architects to have training in building codes.

California Civil Code Section 55.53 requires local government to employ or retain the services of at least one building inspector who is a Certified Access Specialist on and after July 1, 2010. The Division of the State Architect administered the Certified Access Specialist program, including the examination, pursuant to Government Code Section 4459.5. Further, this state law requires that a sufficient number of

building plan examiners and inspectors are employed or retained to carry out plan reviews and inspections for enforcement of accessibility codes by July 1, 2014.

Reference: Health and Safety Code Sections 18949.28, Civil Code Section 55.53 and Government Code Sections 4459.5 through 4459.8 for the details on required Certified Access Specialist program. Considerable information about the Certified Access Specialist program is available at the Division of State Architect website <http://www.dgs.ca.gov/dsa/Programs/progAccess.aspx/>.

Training: Training is essential to the professional and efficient operation of a building department in order to serve the public appropriately. And, state law in Health and Safety Code Section 18949.29 requires 45 hours of continuing education every three years (also discussed briefly in Chapter 3 of this booklet). Eight of those hours must be in subjects relating to accessibility requirements.



There are a number of organizations and associations that provide training on building codes and related subjects such as how to conduct inspections, material tests, plan review and more. Training is available in the form of seminars, online classrooms, and workbooks with lessons and exercises. There are also several colleges offering courses on building codes.

The following is a listing of some organizations where training is available.

- CALBO (California Building Officials). <http://www.calbo.org/>.
- International Code Council (ICC). <http://www.iccsafe.org>
- Individual Chapters of the ICC. A listing of chapters in California is available at the ICC website. Each chapter is independent and may have different educational programs. Many chapters have websites.
- International Association of Plumbing and Mechanical Officials (IAPMO). <http://www/iapmo.org>

- National Fire Protection Association. <http://www.nfpa.org>
- International Association of Electrical Inspectors. <http://www.iaei.org>

On an as needed basis, the state agencies such as the California Building Standards Commission, Department of Housing and Community Development and Division of the State Architect, offer training on subjects within their respective jurisdictions. Training opportunities are announced in industry newsletters, the agency's website, and by the organizations discussed above.



Health and Safety Code Section 18949.31 requires the employing local government to bear the cost of the required certifications and continuing education. Further, this state law allows a local government to adjust building permit fees to cover the cost of the certification and education of personnel.

CBSC recommendation: Maintain a record of each building department employee that identifies training needed to perform assigned duties, provide courteous and efficient public service, and satisfy the continuing education requirements of Health and Safety Code Section 18949.29, and Civil Code Section 55.53. The record should include a listing of completed training.

CHAPTER 5: PERSONNEL QUALIFICATIONS

The search for and selection of qualified personnel is a critically important task for any employer, including governmental agencies. Personnel hired to perform building permit issuance, plan review, building inspection, and management of the building department operations, must have appropriate training and experience. The hiring decision is critically important and has impact on public service and public safety. For these reasons the CBSC provides the following suggested guidelines.

1. Building Official and Assistant Building Official

Desirable Experience Pattern:

- Experience in the administration of a building department and,
- Experience as a building inspector and plans examiner and or,
- Experience as a licensed architect or engineer, performing duties within a building department
- Experience as a builder

Desirable Education:

- High School
- College
- Or the equivalent by training and experience

Desirable Credentials:

- Certified Building Official by the ICC
- Certifications as an inspector, and/or plans examiner
- Engineers and Architects should be licensed in California and hold additional ICC certifications

2. Plans Examiner

Desirable Experience Pattern:

- experience as building inspector, architect, or engineer
- experience as a builder
- experience with preparation of building plans

Desirable Education:

- High School.
- Community college degree in Building Inspection Technology
- College

Desirable Credentials:

- Certifications by the ICC in the Building, Plumbing, Electrical, and Mechanical Codes, or the Combination Certification
- Certified by the Division of the State Architect as a Certified Access Specialist

3. Senior Building Inspector

Desirable Experience Pattern:

- Experience in the administration of a building department and or,
- five years of experience as a building inspector with some plans examination experience
- Experience with the preparation of building plans

Desirable Education:

- High School or more
- Community college degree in Building Inspection Technology

Desirable Credentials:

- ICC certifications in the Building, Plumbing, Electrical, Mechanical Codes, accessibility, and energy codes
- Certified by the Division of the State Architect as a Certified Access Specialist

3. Building Inspector (Entry Level)

Desirable Experience Pattern:

- Experience as a builder or in the building trades
- Experience with construction plans

Desirable Education:

- High School.
- A community college degree in Building Inspection Technology is highly desirable.

Desirable Credentials:

- Certifications by the ICC in the Building, Plumbing, Electrical, and Mechanical Codes, or the Combination Certification.

Note: Health and Safety Code Section 18949.28, allows certification(s) as deemed appropriate by the employing building department to be obtained by the employee within one-year of employment.

5. Building or Permit Technician

Desirable Experience Pattern:

- Administrative duties within a building department

Desirable Minimum Education:

- High School
- Training on building permit issuance

Desirable Credentials:

- Building Technician certification by the ICC

These have been desirable qualification patterns. We are not suggesting that these patterns should be a minimum standard, or that a candidate must satisfy all elements of a suggest pattern. Each local government agency must assess their individual needs, conditions, and available candidates.

Many local jurisdictions advertise available building department positions on the websites of the International Code Council (ICC), ICC Chapters and CALBO shown on page 17.

Chapter 6: Conclusion

We hope you have found this booklet helpful and that you better understand the mandates placed on your building department. We urge you to become acquainted with our website and the educational materials available there and require that your building department personnel do the same. They should be regular visitors to our website and use all the educational materials. This is especially important for newly hired personnel.

Contact our office anytime you have questions relating to your building department responsibilities or the application of Title 24. Written comments and suggestions regarding this booklet are welcomed in order that future editions will be more effective. Address written comments and suggestions to:

Jim McGowan, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Comments and suggestions may also be sent by email to the attention of Jim McGowan, Executive Director at cbsc@dgs.ca.gov. You may also use our "Feedback" feature on our website.